

SEP 13 2006

Atty. Dkt. No. 061512-0210

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the April 17, 2006 office action, the Examiner rejected claims 1-13, 16-28, and 30-40 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,875,428 (Kurzweil et al.) in view of U.S. Patent No. 6,052,663 (Kurzweil et al.). In addition, claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurzweil et al. '428, Kurzweil et al. '663, and further in view of U.S. Patent No. 5,065,345 (Knowles et al.). Applicant traverses the rejections for the reasons set forth below.

The Examiner asserted that Kurzweil et al. '428 teaches a system and method for displaying and highlighting text, while converting the text into audio output for a user, where the initiation of the highlighting of a text portion is delayed by control means with respect to the audio output corresponding to the text portion. Applicant respectfully disagrees with this position. In particular, Applicant submits that there is no delay taught by Kurzweil et al. '428, inherent or otherwise. Kurzweil et al. '428 teaches a reading/teaching system and method, where a user can select a word or text portion, and upon the selection, highlighting the word or text portion either before, or concurrently with an audio output. (See Abstract, column 3, lines 38-55, and column 3, line 66—column 4, line 23). In fact, an audio output has nothing to do with the highlighting performed in Kurzweil et al. '428 because the highlighting can be initiated merely by the user selection. As described in column 4, lines 14-16, "[a]fter the nearest word of nearest document item has been determined at step 46 or 46', the highlighting is applied to an area associated with the item or word at step 48." By contrast, claims 1, 26-28, 30-32, and 40 require that the highlighting or the display of a text or text portion is initiated only *after* the beginning of the audio output corresponding to the text or text portion. (See also Figures 3-7, depicting a plurality of delays, where highlighting of text clearly occurs after the text has been read or output in an audio format). Therefore, Kurzweil et al. '428 does not read on claims 1, 26-28, 30-32, and 40.

One purpose of various embodiments claimed in the present application is to provide a system and method of "checking" an audio translation of a text, for example an email, so

Atty. Dkt. No. 061512-0210

that mispronounced and/or unknown words/text, or words/text that have a high probability of being translated incorrectly can be caught by a user. (See Abstract and paragraph [0007]). In other words, the various embodiments claimed in the present application will defer to the user's knowledge. For example, if the text of an email recites the word "tou" the present invention will read "tou" to the user. Of course, at least in the English language, there is no such word as "tou." Therefore, the word "tou" is highlighted and it is anticipated that the user, given time to hear the spoken word first, will recognize that the email meant to recite the word "you" as described in paragraph [0068]. Kurzweil et al. '428 on the other hand, is drawn to an educational tool, where there is a need to highlight a word/text to a learning user so that he/she may see the word simultaneously with its audio counterpart, as described above. Therefore, there is no reason whatsoever for inserting a delay into Kurzweil et al. '428. A user attempting to learn to read would not likely know that a word read to him/her was in fact a typographical error, and so introducing a delay to highlight such a word would have no place in the system and method of Kurzweil et al. '428.

As noted above, the Examiner took the position that Kurzweil et al. '428 teaches that the initiation of the highlighting of a text portion is delayed by control means with respect to the audio output corresponding to the text portion. The Examiner's reasoning for this position was that Kurzweil et al. '428 incorporates an inherent delay. (See line 4 of page 3 of the outstanding office action). However, in the following paragraph the Examiner asserted that Kurzweil et al. '428 did not teach such a limitation, thus relying on Kurzweil et al. '663 to cure the deficiency. First, Applicant submits that the Examiner cannot claim that a limitation is inherent in a reference and then claim that it is not taught by that reference, unless the Examiner has presented an alternative interpretation of the reference. This was clearly not done as *only* a 35 U.S.C. § 103(a) rejection was made. Second, Kurzweil et al. '663, at least in column 6, lines 20-51, utilizes the exact same specification language as that found in column 5, line 49-column 6, line 13 of Kurzweil et al. '428. Therefore, Kurzweil et al. '663 has the same deficiencies as Kurzweil et al. '428. Furthermore, the motivation for combining Kurzweil et al. '428 and Kurzweil et al. '663 given by the Examiner pertains to "double highlighting." However, the limitation at issue, as discussed above, and as recited by the Examiner, pertains to initiating highlighting after a delay. Therefore, there is also a lack

Atty. Dkt. No. 061512-0210

of proper motivation for the combination of Kurzweil et al. '428 and Kurzweil et al. '663 asserted by the Examiner.

In addition, the Examiner asserted various reasons and motivations for arguing that certain limitations are obvious over Kurzweil et al. '428 in light of what was known by one of ordinary skill in the art at the time the present invention was made. Applicant respectfully disagrees with the Examiner's reasoning. For example, in the rejection of claim 5¹, the Examiner asserted that unselectively extending highlighting would be known and desirable, for example, if a user were visually impaired. Applicant submits that if a user were visually impaired, there is no reason why highlighting text on a visual display would be necessary as that user would not be able to see the highlighting. In the rejection of claim 6, the Examiner asserted that introducing a lag before highlighting would have been obvious to an artisan with ordinary skill in the art because the ability to view the audio signal immediately after would "enable a user to emphasize by repetition." Applicant respectfully disagrees. Kurzweil et al. '428 indicates that the prior art teaches that "highlighting would be of the *current word that is being read aloud* to the user" [emphasis added] where an improvement is needed in terms of double highlighting a word. As discussed above, Kurzweil et al. '428 as well does not teach or suggest anything other than simultaneous highlighting and reading aloud of a word. Therefore, the Examiner's assertion that introducing a lag would be obvious is unfounded because the state of the prior art does not acknowledge that it was known to delay highlighting after an audio output.

As to the rejection of claims 14 and 15, the Examiner correctly recognized that neither Kurzweil et al. '428 nor Kurzweil et al. '663 teach the use of a dictionary, nor do they teach highlighting a word not found in the dictionary. However, the Examiner asserted that Knowles et al. cures the deficiencies of Kurzweil et al. '428 and Kurzweil et al. '663. Applicant respectfully disagrees with the Examiner's position. In particular, Applicant submits that it would not be obvious for one of ordinary skill in the art at the time the present

¹ It is believed that the Examiner has switched the rejections of claims 5 and 6 because the limitation discussed in the rejection of claim 6, i.e., unselectively extending the highlighting through all of the text, is actually recited in claim 5, whereas the limitation of highlighting lagging the audio conversion is actually recited in claim 6.

Atty. Dkt. No. 061512-0210

invention was made to modify Kurzweil et al. '428 and Kurzweil et al. '663 to highlight a word(s) not found in a dictionary. The Examiner cited column 15, lines 32-39 to support his position, asserting that Knowles et al. teaches highlighting words found in the dictionary². The Examiner further asserted that it would have been obvious for one of ordinary skill in the art at the time the present invention was made to have also highlighted words not found in the dictionary for teaching purposes.

However, like Kurzweil et al. '428 and Kurzweil et al. '663, the system and method of Knowles et al. can be used to teach a user, for example, to speak or understand a different language as discussed in column 15, lines 15-39. Therefore there is no reason why, in teaching a user a new language, a word not defined would be highlighted for the user. It is clear in Knowles et al. that the reason for highlighting a word that is found in the dictionary is so that the user can reference the definition of that word using the dictionary. Highlighting a word that is not in a dictionary would teach the user nothing since learning a new language generally entails the exact opposite, i.e., looking up unknown words in a dictionary. Even if, for the sake of argument, it would have been obvious to modify Kurzweil et al. '428 and Kurzweil et al. '663 to highlight a word not found in the dictionary, Knowles et al. does not teach or suggest introducing a lag before highlighting a word(s). One delay discussed in Knowles et al. merely deals with the delay between the time a CD-ROM plays an utterance and a box is placed around a picture. (See column 15, lines 24-29). Other delays discussed in Knowles et al., such as those experienced in the synchronization of audio and video are expressly discouraged. (See column 2, lines 3-8).

Because none of the references cited by the Examiner, either separately or in combination with each other, teach delaying the highlighting of a text portion until after corresponding audio is outputted, Applicant submits that each of independent claims 1, 26-28, 30-32, and 40 are patentable over this prior art. Furthermore, because dependent claims 2-25 and 33-39 are each directly or indirectly dependent upon independent claims 1, 26-28,

² Although the Examiner stated that "Knowles et al., do teach highlighting words that are *not* present in the dictionary when displayed on a screen (Col. 15, lines 32-39)," Applicant assumes that the Examiner meant to state that Knowles et al. teaches highlighting words that *are* present in the dictionary.

Atty. Dkt. No. 061512-0210

30-32, and 40, Applicant submits that each of these claims are allowable for at least the same reasons as discussed above.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Respectfully submitted,

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